IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HONOURABLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.13240 of 2004

Between:

1. Ganapathi Raju Govinda Raju S/o.Late Sitarama Raju, 52 years,
   D.No.43-18-25/4, Venkataraju Nagar, Visakhapatnam.

2. Smt.Ganapathi Raju Govinda Raju Subba Lakshmi W/o.Ganapathi Raju Govinda Raju, 46 years, D.No.43-18-25/4, Venkataraju Nagar, Visakhapatnam.

3. Kakarlapudi Butchi Sankara Raju S/o. Late Tirupathi Raju, 45 years,
   D.No.43-18-25/4, Venkataraju Nagar, Visakhapatnam.

4. Penmetsa Jagadish Varma S/o.Sanyasi Raju,
   D.No.43-18-25/4, Venkataraju Nagar, Visakhapatnam.

...PETITIONERS

AND

The Mandal Revenue Officer, (Rural), Chinagadili, Visakhapatnam.

...RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the Respondent in not issuing pattadar Pass Books to the petitioners is highly illegal, arbitrary and unjustified with a direction to the Respondent to issue Pattadar Pass Books to the Petitioners in respect of the lands purchased by them .

Counsel for the Petitioner: MR.M.V.S.SAI KUMAR

Counsel for the Respondent: GP FOR REVENUE

The Court made the following:

ORDER:

The petitioners herein claim that they have purchased the lands covered by patta No.78 in Survey No.344/7 of Thimmapuram Village, hamlet of Mathurawada, Visakhapatnam District. The other petitioners also purchased similar extents of lands. All of them made separate applications to the sole respondent on 25.05.2004, requesting him to issue Pattadar Pass Books. Alleging the inaction on the part of the respondent, they filed the present Writ Petition seeking direction to the respondent to issue Pattadar Pass Books to them.

As per Rule 22 (2) of the A.P.Rights in Land and Pattadar Pass Books Rules, 1989, (hereafter called 'the Rules'), a person who is in occupation or holder of agricultural land alone can make an application for Pattadar Pass Books and title deeds. Such application has to be made in Form No.X appended to the Rules. The petitioners have not appended such Form to the Writ Petition. Further, the petitioners purchased small extents of lands, obviously for non-agricultural purposes. It is doubtful whether they are entitled for Pattadar Pass Books under the A.P.Rights in Land and Pattadar Pass Books Act, 1971. Be that as it is, the petitioners may approach the respondent for issue of Pattadar Pass Books if the land is being used for agricultural purpose.

The Writ Petition, with the above observations, is dismissed.

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(V.V.S.RAO, J)

28th July 2004

RRB

Copies To:

1. The Mandal Revenue Officer, (Rural), Chinagadili, Visakhapatnam.
2. Two CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT).
3. Two CD copies.